

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ROBBINS

v.
LOWER MERION
SCHOOL DISTRICT

FILED

CIVIL ACTION NO. 10-665

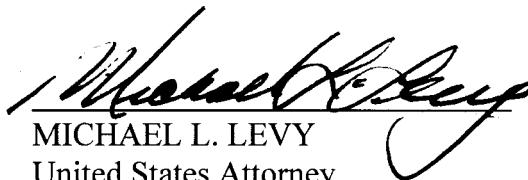
APR 23 2010

By MICHAEL E. KUNZ, Clerk
km Dep. Clerk

GOVERNMENT'S MOTION TO MODIFY THE COURT'S ORDER

The Court's order of April 14, 2010, interferes with the government's obligation to investigate possible criminal conduct occurring within this district. Because an explanation of this assertion involves matters occurring before the grand jury, the government files a detailed explanation under seal to comply with Fed. R. Crim. P. 6(e)(2). For these reasons, the government requests the Court to modify its order to permit the government access to the computers and the data that they hold.

Respectfully submitted,


MICHAEL L. LEVY
United States Attorney


MARY KAY COSTELLO
Assistant United States Attorney

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By MICHAEL E. RYAN, Clerk
Deputy Clerk

STATEMENT OF THE UNITED STATES OF AMERICA

This civil action involves the use by the Lower Merion School District of a wireless network control system called LanRev. The allegations are that the School District used the LanRev system to take photographs and screen shots of students through school-issued laptop computers. On February 22, 2010, the United States Attorney's office and the Federal Bureau of Investigation made public that they would conduct an investigation of the allegations in this civil action.

On April 14, 2010, the Court entered an Order (copy attached), which prohibited the dissemination of photographs and screen shots by the parties. The computers that operated the LanRev system are currently being held by Level 3 Communications (L3) on behalf of the Lower Merion School District. L3 is conducting a forensic examination. Before the Court issued the order of April 14, 2010, the government was aware of the School District's plan to have the forensic examination performed by L3. After consultation with counsel for the School district, the government made no effort to seize these computers with the understanding that it would have access to all data necessary to perform its investigation.

The Court's Order of April 14, 2010 interferes with the government's investigation. Title 28, United States Code, Section 517 permits the United States Attorney "to attend to the interests

of the United States in a suit pending in a court of the United States." The government therefore enters its appearance in this matter for the limited purpose of seeking a modification of the Court's Order of April 14, 2010.

Respectfully submitted,



MICHAEL L. LEVY
United States Attorney



MARY KAY COSTELLO
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of Statement of the United States of America upon the following by :

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F I L E D

APR 23 2010

MICHAEL E. KUNG, Clerk
By _____ Dep. Clerk


MICHAEL L. LEVY

April 23, 2010

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ORDER

AND NOW, this day of , 2010, the motion of the United States of America
for access to the computers and servers of the Lower Merion School District, now in the custody
of Level 3 Communications, and to any data contained in them, is hereby GRANTED.

BY THE COURT:

HONORABLE JAN E. DuBOIS
Senior Judge, United States District Court